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STATE LEGISLATURE, MADRAS

THE MADRAS LEGISLATIVE ASSEMBLY

Wednesday, 16th December 1959.

The House met in the Assembly Chamber, Fort St. George, at nine of the clock, Mr. Speaker (THE HON. DR. U. KRISHNA RAU) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Appointment of District and Sessions Judge

* 211 *Q.*—SRI A. A. RASHEED: Will the Hon. the Chief Minister be pleased to state—

(*a*) whether any applications were called for recently by the Chief Secretary, for the appointment of District and Sessions Judge, Grade II; and

(*b*) if so, the reasons for not vesting the power of appointment in this case with the Madras Public Service Commission?

THE HON. SRI C. SUBRAMANIAM: (*a*) Yes.

(*b*) Article 233 of the Constitution empowers the Governor to make appointments of persons to be District Judges in the State in consultation with the High Court and that Article does *not* require consultation with the Madras Public Service Commission.

SRI A. A. RASHEED: Sir, are the Government aware that by taking away the power of appointment from the Public Service Commision, there is the possibility of introducing favouritism?

THE HON. SRI C. SUBRAMANIAM: Certain appointments of officers will have to be considered apart from the Public Service Commission. Take High Court Judges. It cannot be said that these appointments should be referred to the Public Service Commission here or the Union Public Service Commission. These are selection appointments. In the same way, the superior cadre in the judicial service, namely, District Judges also should be outside the purview of the Madras Public Service Commission. Even if we look into the personnel of the Madras Public Service Commission, I think it would be anomalous to ask them to select District Judges.

SRI A. A. RASHEED: Will the Government at least consult the Chief Justice in regard to the appointment of District Judges?

THE HON. SRI C. SUBRAMANIAM: We are purely guided by the opinion of the High Court in the matter.